

CITIZENSHIP TO CERTAIN MEXICAN CITIZENS.

[To accompany bill H. R. No. 202.]

JULY 11, 1862.—Laid on the table, and ordered to be printed.

Mr. PORTER, from the Committee on the Judiciary, made the following

REPORT.

The Judiciary Committee, to whom was referred bill No. 202 "to extend the right of citizenship to certain Mexican citizens in the Territory of New Mexico," have had the same under consideration, and report :

By the eighth section of the treaty of Guadalupe Hidalgo, under which the Territory of New Mexico was acquired, it was provided that those Mexicans who should prefer to remain in the Territory might either retain the title and rights of Mexican citizens or acquire those of citizens of the United States ; but that they should be under obligation to make their election within one year of the date of the exchange of ratifications of the treaty, and that those who should remain in the Territory after the expiration of that period, without having declared their intention to retain the character of Mexicans, should be considered to have elected to become citizens of the United States. The ratifications were exchanged May 30, 1848.

About two thousand Mexicans elected under this provision of the treaty to retain the title and rights of Mexicans, and signified their choice by placing their names on lists kept in the offices of the courts of probate of the several counties, copies of which were published.

The act of Congress establishing a territorial government for New Mexico provides that the right of suffrage and of holding office shall be exercised only by citizens of the United States, including those recognized as citizens by the treaty above mentioned. Those who, by virtue of the eighth section of the treaty, elected to retain the title and rights of Mexican citizens are allowed neither to vote nor to hold office in the Territory.

It was not long, however, it would seem, after the territorial act had been passed, and the mild government and humane and liberal temper of the United States towards them had been experienced by the inhabitants, until a considerable part, who had elected to retain the character of Mexicans, began to regret their choice, and to desire to assume the character of citizens of the Union. From ignorance of our laws, or the expensiveness or inconvenience of going through the prescribed process of naturalization, they do not seem to have

resorted to the better mode of becoming citizens, but as early as 1851 the legislature of the Territory adopted the following memorial to Congress :

“ Memorial of the legislature of the Territory of New Mexico to the Senate and House of Representatives of the Congress of the United States :

“ Your memorialists, with the greatest respect, have the honor to address your honorable body in behalf of those residents of this Territory who have retained the character of Mexican citizens, by virtue of the stipulations of the treaty celebrated between the United States and the republic of Mexico on the 2d day of February, 1848, whom, for certain agreements entered into between themselves, signed themselves as such ; but at the present time, in the just consideration and hope of bettering their future condition, they have come to the most decided and firm determination to remain and reside forever in the land of which your honorable body is the head. In virtue of which, and relying on your liberality that they may be permitted to be incorporated and admitted, as soon as possible, into the community of the citizens of the United States in this Territory, many of them have made application at the present session of the legislative assembly, and it is well known that the remaining portion or a majority of them, under the circumstances, pray to be recognized as such.

“ Your memorialists would represent that the persons referred to in this memorial will renounce all allegiance and subjection to the government of Mexico, and pledge themselves, before the government of the United States, to render true allegiance and submission, and whatever may be required of them, their children, and successors, as citizens, forever.

“ Whereupon your memorialists recommend and pray your honorable body that, noticing the contents of this memorial, in accordance with your accustomed liberality, you will be pleased to provide an act by which those persons who have already made application may be recognized and considered as citizens of the United States, and that means may be provided here for those persons who may desire to manifest their intention of doing the same.”

On behalf of this unfranchised class of inhabitants the able and diligent delegate from that Territory has introduced the bill, which the committee have considered, to declare them citizens, upon taking an oath of allegiance, as therein prescribed.

In the case of so large a number of aliens, residing in a single community, attached to our form of government, and anxious to enjoy the rights of citizenship, but surrounded by inconveniences in obtaining those rights under existing laws, it might seem desirable, were there no constitutional objections, to make special provision for their immediate naturalization, and to relieve them from a resort to the slow and inconvenient process now required. The committee, however, entertain the opinion that the bill under consideration is repugnant to the Constitution. The fourth clause of section eight of

the first article of the Constitution provides that Congress "shall have power to establish a uniform rule of naturalization." The grant of this power implies the exclusion of any power to establish any other than a uniform rule. A statute prescribing, as the present bill does, a rule for the naturalization of aliens resident in a particular locality different from the general rule applicable to aliens would violate this uniformity.

Indeed, this bill is liable to a constitutional objection on a narrower and perhaps clearer ground. It does not provide a uniform rule for the naturalization of the entire class of persons who, under the provisions of the treaty before referred to, elected to retain the character of Mexican citizens. Its provisions apply only to that part who now reside in New Mexico. Those who reside elsewhere are not within the benefit of its provisions. It is well known that a part of the most fertile and populous portion of New Mexico was annexed by a bill passed at the last session of Congress to the Territory of Colorado, and a considerable number of the inhabitants who elected under the treaty to remain Mexicans are now inhabitants of the latter Territory.

The committee are, therefore, of the opinion that the bill under consideration ought not to pass.

